

REMARKS

Currently, claims 1-24, 26-31, 33, and 35-38 remain pending in the present application, including independent claims 1, 24, and 33. All of the claims are directed to a device for treating appendage ailments. For example, the device of the present invention is particularly well suited for treating wounds, cuts or blisters appearing on one's fingers or toes. The device is also well suited for receiving a medicament for application to a finger or a toe.

In the independent claims, the device for treating appendage ailments includes a nonelastic nonwoven web laminated with an elastic layer as stated in claim 1 or an elastic nonwoven material as stated in claims 24 and 33. The different layers form a sleeve that is configured to be placed over a finger or toe. Both claims 1 and 24 require the nonelastic nonwoven web to form the interior surface of the sleeve. In this manner, the nonwoven web provides a surface for treating an appendage, while the elastic layer provides form-fitting properties to the sleeve.

In independent claim 33, the device for treating appendage ailments includes a sleeve member formed from a first panel that is attached to a second panel. The first panel comprises an elastic nonwoven material while the second panel comprises a nonwoven web. Similar to claims 1 and 24, claim 33 requires the nonwoven web to define at least a portion of an inner surface of the hollow sleeve. Claim 33 also requires

In this Amendment, claims 1 and 24 have been amended to now require that all of the independent claims have a shape configured to conform to the shape of a finger or toe of a user.

In the latest Office Action, independent claims 1, 24, and 33 were rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,362,306 to McCarver. McCarver is directed to a surgical stockinette. The surgical stockinette is intended to encase an arm or a leg of a patient. For example, the stockinette is rolled into a ring before application. To apply the stockinette, a closed end of the wrap is placed over the foot or hand of a patient and the remainder of the wrap is then unrolled by rolling the wrap down and over the limb. During a surgical procedure, an incision is made through the stockinette to expose the underlying skin where the surgery is to take place, while isolating the remainder of the arm or leg.

In stark contrast to the currently pending claims, however, McCarver does not disclose or suggest a device for treating appendage ailments that has a shape configured to conform to the shape of a finger or toe. Instead, as described above, the surgical stockinette disclosed in McCarver is specifically designed to encase a body extremity such as an arm or a leg of a patient. As such, Applicants submit that McCarver fails to anticipate the currently pending claims.

As described above, independent claim 33 further requires that the device of the present invention include a sleeve member made from a first panel attached to a second panel. As stated in claim 33, the panels form seams that extend along the length of the sleeve. In comparison, nowhere does McCarver disclose or suggest a hollow sleeve made from a first panel and a second panel as described above. Further, claim 33 also requires that the sleeve member have a first open distal end and a second open proximal end. In contrast, McCarver teaches forming a stockinette having one closed end.

The Examiner's attention is also directed to the subject matter of various dependent claims. For example, claims 20, 21, 22, 23, 31 and 38 are all directed to a device in which various additives have been applied to the sleeve member of the present invention. The additives can include, for instance, an antibiotic, an anti-microbial agent, a cationic polymer, an anti-inflammatory agent, and the like. In comparison, nowhere does McCarver disclose or suggest treating the stockinette with any such additives.


In view of the above, Applicants submit that the claims as currently amended patentably define over McCarver either alone or in conjunction with the other references cited in the Office Action. Favorable reconsideration and allowance of the present application are respectfully requested. Should any issues remain after consideration of this Amendment, however, then Examiner Hamilton is invited and encouraged to telephone the undersigned at her convenience.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

October 4, 2004

Date

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Timothy A. Cassidy", written over a horizontal line.

Timothy A. Cassidy
DORITY & MANNING, P.A.

P.O. Box 1449
Greenville, SC 29602
(864) 271-1592
(864) 233-7342